



Response under 37 C.F.R. 1.116
- Expedited Examining Procedure -
Examining Group 2673

MAIL STOP AF
82831AJA
Customer No. 01333

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Ronald S. Cok

TOUCH SCREEN FOR USE WITH
AN OLED DISPLAY

Serial No. 09/864,484

Filed 24 May 2001

Group Art Unit: 2673

Examiner: Leonid Shapiro

I hereby certify that this correspondence is being
deposited today with the United States Postal
Service as first class mail in an envelope addressed
to Commissioner For Patents, P.O. Box 1450,
Alexandria, VA 22313-1450.

Valerie J. Richardson
Valerie J. Richardson

September 23, 2005
Date

Commissioner for Patents
P.O. Box 1450
Alexandria, VA. 22313-1450

Sir:

Pre-Appeal Brief Request for Review

Applicants request review of the final rejection in the above-identified application. No amendments are being filed with this request. This request is being filed with a Notice of Appeal.

REMARKS

Independent claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Murakami et al. (US Patent No. 6,559,834 B1) in view Wolk et al. (US Patent No. 6,485,884 B2) and Sahouani et al. (US Patent No. 6,574,044 B1). The Examiner states that Murakami et al. teaches a touch screen (See Fig. 1, item 100) for use with LCD display (See Fig. 1, items 100, 130, 140, Col. 3, Lines 57-61), comprising: a substrate having a top and bottom side (See Fig. 1, items 100, 130, 140, Col. 3, Lines 57-61) the LCD display being located on the bottom side of the substrate (See Fig. 3, items 200-204, Col. 6, Lines 4-11); a plurality of touch screen elements located on the top side of substrate (See Fig. 3, items 101-104, 111, Col. 5, Lines 33-45); a polarizing element for reducing glare and improving contrast of the LCD display (See Fig. 3, items 102-103, Col. 1, Lines

27-25 and Col. 5, Lines 33-37). While acknowledging that Murakami et al. does not show OLED display, the Examiner states that Wolk et al. teaches OLED display (See Fig. 1a, items 100, 110, 120, Col. 8, Lines 48-53), and that it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate teaching of Wolk et al into Murakami et al in order to enable the fabrication and manufacture of patterned organic electronic devices (See Col. 1, Lines 28-34 in the Wolk et al. reference). While further acknowledging that Murakami et al and Wolk et al do not show the polarizing element is an integral part of the substrate, the Examiner further states that Sahouani et al. teaches the polarizing element is an integral part of substrate (see Col. 9, Lines 10-20), and that it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate teaching of Sahouani et al. into Wolk et al. and the Murakami et al. system in order to block substantially all visible light (See Col. 1, Lines 50-54 in the Sahouani et al. reference). Reconsideration and allowance of the claims is requested for the following reasons.

Applicant's invention as defined by claim 1 is directed to a touch screen for use with an organic light emitting diode (OLED) display that includes a substrate having a top side and a bottom, the OLED display being located on the bottom side of the substrate; a plurality of touch screen elements located on the top side of substrate; and a polarizing element for reducing glare and improving contrast of the OLED display, wherein the polarizing element is an integral part of the substrate.

Murakami et al. show a touch panel 100 (comprising substrate/base member 130, spacer 140, and top sheet member 110) used in combination with a liquid crystal panel 200. Top sheet member 110 of touch panel 100 may include polarizing elements 102 and 103, but such elements are not an integral part of the substrate 130 upon which the touch screen elements are located, as acknowledged by the Examiner. Further, polarizing elements 102, 103 of top sheet 110 and the touch screen element components (e.g., resistive membranes 111 and 131) are located on the same side of base sheet 130, while LCD panel 200 is located on the opposite side relative thereto (Fig. 3).

Wolk et al. show a display device having a substrate 120 with light emitting devices 110 on one side of the substrate and on the other side of the substrate an "optional element" 130. As discussed at col. 9, lines 16-20, optional

element 130 may include one or more polarizer, touch panels, and other optical components. Wolk et al., however, do not teach that any polarizer in element 130 is an integral part of any substrate of any other possible component in element 130. Thus, even if an OLED display of Wolk et al. were to be “incorporated” into Murakami et al. and use with the touch panel 100 of Murakami et al as proposed by the examiner, the present invention would not be obtained, as there simply is no teaching of employing a polarizing element as an integral part of the touch panel substrate between the touch screen elements and display elements.

Further reliance upon Sahouani et al does still does not establish a prima facie case of obviousness. Sahouani et al describes polarizer constructions and display devices exhibiting unique color effects, such that when the construction is illuminated from a first side, an observer viewing the construction from a second side will observe a first spectral distribution of visible light, and when the construction is illuminated from the second side, an observer viewing the construction from the second side will observe a second distribution of visible light different from the first spectral distribution. While the cited portion (col. 9, lines 10-20) of Sahouani et al discloses that guest-host polarizer materials may be coated or patterned on a variety of substrates that can include active or passive electronic devices or not, or that include any other layers or materials, whether integral or added to the substrates, there is no teaching or suggestion in Sahouani et al. (or any of the other cited references) to direct the artisan to employ a polarizing element as the substrate of a touch screen itself employed with a display device, and in particular wherein the display device is an OLED display which is located on the bottom of such a touch screen substrate. Rather, Sahouani et al appears to be entirely silent with respect to any touch screen embodiment teachings. Thus, there is simply no teaching or suggestion from Sahouani et al. which would direct one skilled in the art to the present claimed invention. Rather, such combination as proposed by the examiner is clearly only fabricated in hindsight reliance on Applicants teachings, which represents clear error in the final rejection.

The prior art teaches to either employ a polarizer in a cover element of a touch screen, as actually taught in the touch panels of Murakami et al., or as an “optional element” on the other side of an OLED device as taught in Wolk et al. Sahouani et al. teaches to employ polarizer elements in combination

with display devices or other light sources, but does not teach to employ polarizer elements as a substrate for a touch screen. There is no teaching or suggestion in the cited art to combine any of the teachings therein in a manner that would result in the present invention. It is only Applicants' disclosure which provides the teaching to employ a polarizing element as a substrate for a touch screen with an OLED display on the opposite side, and it is of course improper to rely upon applicants' teachings as the basis for a hindsight obviousness rejection.

In an Advisory Action mailed June 24, 2005, the Examiner states that Applicant's arguments filed on 03.22.05 have been fully considered but they are not persuasive. Contrary to the Examiner's apparent interpretation of such previously submitted arguments, Applicants have not argued that Sahouani et al. does not disclose that the substrate upon which polarizers may be coated and/or patterned is not employed with a display device, but rather there is no teaching or suggestion in Sahouani et al. (or any of the other cited references) to direct the artisan to employ a polarizing element as the substrate of a touch screen itself employed with a display device. While Sahouani et al. may disclose the use of polarizer constructions with display device, as explained in such previously submitted arguments (as well as above), Sahouani et al. is completely silent with respect to touch screen applications, and there is simply no teaching or suggestion to employ a polarizer as a substrate of a touch screen employed with a display device in accordance with the present claimed invention. The Examiner's further position that "Applicant's cannot show non-obviousness by attacking references individually where, as here the rejections are based on combination of references", is of course out of place, as Applicants have not merely "attacked" the references individually, but rather have explained that the combined teachings of such references as proposed by the Examiner fails to established a prima facie case of obviousness.

The final rejection is clearly in error for at least the reasons asserted above, as a prima facie case of obviousness with respect to claim 1 has not been established. The remainder of the claims depend from claim 1 and are believed to be allowable for at least the same reason. Reconsideration of the final rejections, and allowance of all claims, is accordingly respectfully requested. A prompt and favorable action in response to this request is earnestly solicited.

Respectfully submitted,



Attorney for Applicant(s)

Registration No. 33,564

Andrew J. Anderson/vjr

Rochester, NY 14650

Telephone: (585) 722-9662

Facsimile: (585) 477-1148

If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.